

DISTRICT V ADVISORY BOARD

MINUTES

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December 1, 2003

7:00 p.m.

Auburn Hills Golf Course Clubhouse

443 S. 135th West

Nine (9) District Advisory Board Members including two youth members attended the District V Advisory Board meeting. Eight (8) City Staff were present and approximately 30 members of the public of which 20 signed the signup sheet.

Members Present

David Almes
Bob Bulman
Maurice Ediger
John Marker
DeAnn Sullivan
Steve Winslow
Jordan Hudson
Jonathan Brooks
Council Member Bob Martz

Members Absent

Sean Cash
David Dennis
Andy Johnson
Fran Hoggatt
Matt Schippers

Staff Present

Donna Goltry, Planning
Bill Longnecker, Planning
Greg Sharp, Pubic Works
Dana Brown, City Manager's Office

Guests

Listed on page 7

ORDER OF BUSINESS

Call to Order

Council Member Bob Martz called the meeting to order at 7:06 p.m. and welcomed the public. He explained the role of the District Advisory Board as advisory to him in his elected position, the City Council Member of District V. **Council Member Martz** said that the Board reviewed both citywide and City Council District V issues and took comment from the public on all agenda item. He asked that the public present their comments in an appropriate manner & respond to any other comments or actions with courtesy.

Approval of Minutes and Agenda

The minutes for November 3, 2003 were approved as written by a vote of 6-0 (Bulman/Marker). The Agenda was amended to defer agenda item #9 until the January meeting. In addition, staff noted that Community Police Officers might not be in attendance due to the lengthy agenda and necessary shift changes. Staff invited the public to pick up the newsletters for each beat that were available at the sign-in table.

Public Agenda

This portion of the agenda provides an opportunity for citizens to present issues that are not part of the regular agenda for the meeting.

No items were presented by the public.

Action: No action required.

Unfinished Business

CUP2003-52; ZON2003-50

Bill Longnecker, Planning Department, presented a request to create DP-268 Holland Commercial Community Unit Plan with associated zoning change to "GC" General Commercial in the general area of the northwest corner of Kellogg Drive & Tyler Road intersection. Action on the request was deferred at the November 3, 2003 meeting due to unresolved issues for the applicant and area residents. Longnecker provided updates on the zoning request including the MAPC approval with amendments to previous conditions pertaining to traffic, screening, rooftop equipment visibility, signage, uses, size of buildings, setbacks, drainage, & landscaping.

Bob Kaplan, representing certain area residents, stated that the applicant and the neighborhood had reached agreement for all parcels except Parcel #1 in which two issues remained. He said the residents had asked that two (2) additional feet be added to the 6-foot wall and the 24-hour retail use be eliminated. The applicant had not yet agreed to these requests.

Kim Edgington, Austin-Miller Consulting, agent for the applicant, responded that the applicant's objection to adding two feet of masonry wall was due to the approximate additional cost of \$20,000, especially when a 20-foot high landscape screen will exist. She also said that the applicant did not want to eliminate the possibility of 24-hour retail businesses on Parcel #1 due to the impact of the market & a commonly occurring situation in Wichita in which recognized 24-hour retail is located behind smaller businesses on main arterials.

Members of the public/neighborhood spoke about remaining concerns not yet resolved. Most residents were represented by a spokesperson who said the residents still felt strongly that the two (2) issues identified by Edgington & Kaplan should be met by the applicant in order to maintain their neighborhood. Also noted was continuing concerns & interest in (1) the findings of the Kansas Department of Health & Environment about the nature of the infill materials and the closing of the wells thought to be located in Parcel #1, and (2) the report from the Storm Water Engineer regarding the grade of Parcel #1, thought to be impacting drainage for the residential area. Other residents spoke about concerns for the height of the buildings constructed on Parcel #1 and any equipment that might be visible from their homes north of the parcel and at higher-grade level.

District V Advisory Board Members asked clarifying questions about the cost estimate estimated for the additional two (2) feet requested for the wall; drainage impact on homes north of the subject property; and, 24-hour retail use. Overall, the Board expressed support of adding the extra height to the wall with the opinion that it was an acceptable cost. Members also noted that certain existing factors could limit many 24-hour businesses that may not be appropriate for the area. The Board was very concerned about the existing & future drainage and any environmental issues associated with the site, a typical concern for the Board. Bulman (Almes) moved to recommend approval of the request with additional conditions pertaining to the height of the wall, access on Bryon, and final approvals on the drainage plan. Motion passed 6-0.

Action: The District V Advisory Board voted 6:0 to recommend approval of the CUP per the MAPC recommendations with additional recommendations including:

- a) Masonry screen wall 8-feet in height;
- b) No access onto Bryon Avenue;
- c) Presentation of the Final Plat with approved Drainage Plan to DAB V prior to City Council action; and,
- d) Certification from a professional engineer that the site has been graded according to the City's approved Drainage Plan, as approved by the City's Storm Water Engineer.

Planning Agenda

CUP2003-56 DP270 (Associated with ZON2003-55)

Donna Goltry, Planning Department, presented a request to create the Ashley Park Towne Community Unit Plan on Maple Street, ¼ mile west of Ridge Road. Associated is a request to change zoning from “SF-5” Single-family Residential, “B” Multi-family Residential and “GO” General Office to “LC” Limited Commercial. Proposed use is commercial retail. Goltry explained that the request included development of four parcels for retail and commercial use with the CUP eliminating many of LC uses typically allowed. Staff recommends that building coverage & floor area is limited to 30% or lower & building height at 35feet. Landscape height is required at 20 feet plus buffer zones and 35-foot setbacks on all sides except east with restrained signage. Although site was previously approved in 199, the platting was not completed and the case closed in 2002. Goltry said traffic had been analyzed and a significant increase was not shown. Recommendations were made to eliminate parking along University and create a 3rd lane, and to install signage for pedestrian crosswalk at elementary school with signal phasing and a center “refuge” island. Staffs recommendations pertain to platting, plan continuity if property is sold, & any major changes subject to MAPC and City Council review.

Greg Ferris, agent for the applicant, Target Corporation, presented additional information including agreements by the applicant to (1) route truck traffic to only University (not Maple); (2) have no outside storage; (3) pay for an 8-foot masonry wall along east side of school property and chain-link fence on south side; and, (4) pay for the traffic improvements on Maple including stop light at main entrance that will respond to traffic volume, expanding traffic lanes with right-turn lane & center lane extending along Maple to the edges of the property. Ferris pointed out that traffic traveling from the east to the Target store would not go by the school. He also noted that current traffic counts included cars avoiding current construction on Kellogg and Central. Ferris said all parcels would be owned by Target to better control use.

Members of the public/adjacent neighborhood spoke about several concerns including increased commercial activity & associated issues such as traffic, trash, use of residential streets, & main entrance on Maple, directly across from Ashley Park Street; safety for school children; impact on home values; appearance of stores; shopping carts in street; increased safety at Maple & Ridge; and, length of time that area residents would be affected by construction for Maple enhancements.

Council Member Martz addressed issues, asking staff present to also provide information: Maple construction period would extend from late April – August 2004; strategies for school safety include treelike, masonry wall, lighting from Target building & property that will “bleed” onto school property; unlikely that traffic on residential streets would be significantly increased; sidewalk petition process; Maple & Ridge intersection redesign currently in process; and, retaining shopping carts in parking lot or store to be addressed by Target. City Traffic Engineer, Scott Logan, addressed traffic concerns.

Representatives of USD #259 Schools spoke that their major concern was safety for the school children but to date, they were satisfied in working in the issues with Target representatives and City staff. Benton school principal said the request had heightened everyone’s awareness of the traffic safety needs. She said they were considering how the drop-off & pick-up might be changed to provide better safety. It was noted that only two children currently cross the street to the north and that those children who live east of the school either ride the bus or parents transport them to & from school.

District V Advisory Board Members made several points including an incompatibility for an elementary school to be adjacent to a highly commercial business with 750 parking spaces. However, most felt that the school representatives appeared to be satisfied with the agreements made with the applicant. Board Members also supported the street enhancements, truck traffic restrictions, and school fencing & landscaping. They expressed support for continuance of staff to work with the school and applicant to resolve other issues. Sullivan moved to recommend approval with conditions given in staff report. Motion passed 5-1 (Ediger).

Action: The District V Advisory Board voted 5:1 (Ediger) to recommend approval of the CUP subject to staff recommendations.

CUP2003-00055 DP 269 (Associated with ZON2003-53)

Donna Goltry, Planning Department, presented a request to create Spencer's Cove Commercial Community Unit Plan South at a general location of 29th Street North & west of Maize Road. The request was presented as a courtesy as the subject property is currently located in Sedgwick County but is in the process of being annexed.

Russ Avy, agent for the applicant, spoke briefly about the request and noted that the Metropolitan Area Planning Commission voted 12-0 to approve.

Jim DeBrock, a resident who lives south and west of the subject property, said he did not support the change, as he preferred it be left Single Family. He requested that his property be annexed and wanted his statement to be on record. Goltry spoke about the annexation action being in litigation at the time.

No action was required.

Action: Receive and file.

ZON2003-00058

Planning Department Staff presented a request to change zoning from "SF-5" Single-family Residential to "TF-3" Two-family Residential at a location north of Central and west of Tyler (east of Waddington and ½ block south of Bekemeyer). The request is being made to allow development of duplex units on 4.2 acres. The area is surrounded by single-family homes on the north and west sides, and undeveloped commercial property to the south. TF-3 zoning is appropriate for the low-density residential area. The area has been platted but no structures exist. Staff recommends approval with no additional conditions. Goltry said the MAPC had approved the request.

No members of the public expressed concerns.

DAB Members expressed no concerns and recommended approval by a vote of 6:0 (Sullivan/Winslow).

Action: The District V Advisory Board voted 6:0 to support the Planning Department recommendation to approve the request.

Public Works

29th Street North Improvement, from Tyler to Ridge

Mike Lindebak, representing Cook, Flatt, & Strobel, presented the project to improve 29th Street as part of the 2002-2011 Capital Improvement Program adopted by the City Council. He said the project would include four through lanes and landscaped medians. Left turn lanes would be at major entrances into adjoining residential neighborhoods. The current ditches would be eliminated and a storm water sewer system would be constructed. He said that a traffic signal would be placed at 29th Street & Tyler. The majority of the project (approximately 64%) would be funded by federal grants through the Kansas Department of Transportation and the remainder funded by the City through General Obligation Bonds. Lindebak said that a pre-meeting for the public had been well attended.

Members of the public asked several questions and expressed concerns about a number of issues. Responses provided by **Council Member Martz, Mike Lindebak, and Greg Sharpe/ Public Works** are shown in italics:

- Speed limit? *40 mph*
- Surface type? *Asphalt*
- Impact on existing structures such as wall, sprinkler systems, & trees? *Walls not affected; sprinkler systems replaced; any trees removed offered to homeowner association first, Park Department next; & contractor third*
- Sidewalks planned? *Yes, but not detailed yet*
- Space from roadway to existing wall? *21 ½ feet from center & 10 ½ from decel lane*
- Storm sewer placement? *South side*
- Noise from construction & vehicles? *Some noise during construction but noise from vehicles mostly from stopping & accelerating; other similar projects with landscaped medians have been found to absorb noise.*
- Maintenance of medial landscaping? *Use of low-moisture plants/shrubbery that will remain green but agreement can be worked out with homeowner association*
- Why 4-lane? *Plan for 4-lane for 29th & 37th existed for 4 ½ years*
- Blind spots created by shrubbery & trees? *Landscape architect will plan accordingly*
- Why is this proposed? *To accommodate biggest growth area*
- Height of road? *Some height in center to create drainage*
- Consideration given for what affects quality of life & property values? *Certainly but homes are located in the highest growth area which needs infrastructure improvement*
- How is notification determined? *Property owners adjacent to subject street notified for this project*
- Will trees be removed? *Will actually have more trees*
- Will wall affect drainage? *Wall will not detain water & street will be at lower grade*

Adjacent homeowners said they were especially concerned about losing some character with trees and walkways giving some character. They were concerned that they would lose that. Another concerns was the appearance of only being left with 3-feet to the curb from the wall in some areas. A suggestion was made to consider giving up medians for more distance between curb & wall.

Council Member Martz reminded audience members that 37th Street would also be improved in the future and that the Northwest By-Pass would also be sited in the area soon. He said this would have an effect on traffic routes taken as most traffic between Ridge & Maize Roads will use 29th Street to travel west but other areas would be more likely to use 37th Street.

DAB Members asked about effect on cost if deceleration lanes were eliminated to which **Lindebak** said this would reduce cost approximately .02 of 1% of the cost. However, it was noted that eliminating the lanes would provide more space for the area between curb & wall. Lindebak said the City and the design firm would have to study that more. **Sharpe** noted the deceleration lanes provided safety. Bulman encouraged the median enhancements due to the attractiveness derived from this design in other street improvements.

Bulman (Winslow) moved that the project be recommended for approval without the deceleration lanes. Motion passed 5:1 (Marker).

Action: The Board recommended approval of the enhancement project without the deceleration lanes by a vote of 5:1 (Marker).

Office of Central Inspection Report

Central Inspection Staff, Deb Legge, provided an update on neighborhood code enforcement handled by the Office of Central Inspection (OCI). Legge said that the use of the Unified Zoning Code (UZC) had been working very well as a shared approach among departments to record a possible violation. With the UZC, a Police Officer, Environmental Health Sanitarian, or Central Inspection Neighborhood Inspector could

identify a violation and enter into a tracking system known as Tidemark for follow-up by the enforcing department or office. Legge said that the most common issues in District V for OCI were personal watercraft and vehicles being parked illegally on private property. Legge was asked if these codes pertained to only resident to which she said yes. Legge was also asked if OCI regulated home businesses to which Legge said yes. Legge then passed out a brochure with more information and said that she would end her portion due to the late hour of the meeting.

Action: Receive and file

Portable Storage Containers

Randy Sparkman, Central Inspection, introduced himself as overseeing commercial zoning, licensing, and signs plus graffiti removal. He noted a policy by their office for boats and personal watercraft to be stored in driveways during summer. He then presented changes to the ordinance regulating use of the storage containers as suggested by the portable storage containers (PSC) businesses. Sparkman said that OCI had no position in the changes shown in the documents received by the Board but recognized the problems with aesthetics, blowing trash noise, location, and violations with parking, blocking fire lanes, etc. He said that in 2001, the PSCs were allowed but restricted but the same issues existed with little compliance. A stakeholders meeting was held and the suggestions were proposed. The larger retailers tend to govern themselves though the Board of Codes & Appeals who can retract business licenses for operating illegally in Wichita. Currently, the City only investigates complaints and does not actively survey the sites due to staff shortage. PSCs allow the smaller businesses to purchase in larger quantities to take advantage of lower prices.

Daryl Nikkel, resident of North Ridge and representative of HOC Storage Systems, spoke saying he had worked with OCI on the issue. He said the demand still exists and HOC wants to promote compliance by all business. A discussion about freight trailers with wheels only being allowed to park up to 72 hours. Nikkel said that HOC objected to continuing to require a permit as they ship out approximately 100 of the containers each day and the permits become very cumbersome.

DAB Members asked about complaints and how often OCI receives these to which **Sparkman** said he wasn't sure but maybe 1-2 complaints each week during warm weather season.

The motion was made to support the suggestions but the motion died for lack of a second. Members wanted Sparkman to return to the January meeting when they could focus more on the issues.

Action: No action taken. Item deferred until January 5, 2004.

With the time being after midnight, **Council Member Martz** adjourned the meeting but reminded everyone that the next meeting for District Advisory Board V is scheduled for January 5, 2004. The meeting will be at Auburn Hills Clubhouse at 7:00 p.m. The meeting was adjourned at approximately 12:10 p.m.

Respectfully Submitted,

Dana Brown, Neighborhood Assistant
City Council District V

Guests

Mike Mitchell	3005 N Topaz Ct. 67205	J. C. O'Connell	1200 S Keith 67209
Terry Deal	3009 N Topaz Ct. 67205	Henry Davis	1215 S Keith 67209
Leon Rupp	211 S Brownthrush Cr. 67209	Cheryl Scleelten	215 S Brownthrush 67209
Tom Cuddy	3001 Highpoint Ct. 67205	H. R. Dugan	223 Brownthrush 67209
Jan Gerber	2747 Bellwood 67205	Walter Cartwright	8900 Belview 67206
Richard Moore	3005 High Point Ct. 67205	Margaret Cartwright	8900 Belview 67206
Sharon Moore	3005 High Point Ct. 67205	Carlos A Morgan	6305 Bryon Rd 67209
Robert Garraux	2939 Tee Time Ct. 67205	Charles Morgan	1226 S Keith 67209
Ed Pack	3014 N Forest Lakes 67205	John Deloisie Eaton	1207 S Bryon 67209
Lisa Basely	210 N Brownthrush 67209	Roger Krug	621 Tippecanoe 67209
Richard Crawford	241 S Ashley Park Ct. 67209	Bill Porter	632 S Seville 67209
Julie Crawford	241 Ashley Park Ct. 67209	Mary C Shea	632 S Seville 67209
James A Bower	8413 W Shady Lane 67205	Clete Dold	218 S Breezy Pt. Cir. 67235
Ormond White	8417 W Shady Lane 67205	Debra DeGrant	1229 S Bryon
Betty Ladwig	406 N Jaax Ct. 67235	Daryl Nikkel	2888 N Mead 67219
Roger Wilkerson	7850 Prestwick 67212	Herb Cochran	7707 W Shady Ln 67205
Kerry Swanson	144 S Gleneagles 67209	Chris Gablick	126 S Ashley Park 67209
Greg Neville	21916 W 29 th N 67001	Byron Chrisler	106 S Ashley Pk 67209
Jack Pearson	549 S Keith 67207	Joseph Miller	133 S Ashley Park 67209
Calvin Keeton	645 S Keith 67209	Doris Kiewing	630 S Cheryl 67209
Jason B. Allen	3002 Pepper Ridge 67205	Ann Welborn	7913 Meadow Pass 67205